

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED REALTY ADVISORS, LP, JACOB
FRYDMAN, ET AL.,

Plaintiffs,

- against-

ELI VERSCHLEISER, ET AL.,
Defendants.

14-cv-5903 (JGK)

14-cv-8084 (JGK)

MEMORANDUM OPINION AND
ORDER

JOHN G. KOELTL, District Judge:

The plaintiffs move in limine to preclude evidence or argument regarding various affirmative defenses, including various statute of limitations defenses, and various defenses such as contributory negligence that the plaintiffs argue apply only to certain claims. The motion in limine is plainly improper. It does not specify any evidence that the plaintiffs seek to preclude and does not explain how granting the motion would change the evidence at trial in any way. See United States v. Chan, 184 F. Supp. 2d 337, 340 (S.D.N.Y. 2002) ("The purpose of a motion in limine is to allow the trial court to rule in advance on the admissibility and relevance of certain forecasted evidence.") (citing Luce v. United States, 469 U.S. 38, 41 n.4 (1984)). The motion is rather an improper attempt at summary judgment or a motion for judgment on the pleadings that seeks to strike various affirmative defenses or to limit certain defenses to specific claims. Those are not proper purposes of a motion in

limine. See TVT Records v. Island Def Jam Music Grp., 250 F. Supp. 2d 341, 344-45 (S.D.N.Y. 2003) ("Thus, in the guise of addressing limited evidentiary issues, the parties' motions in limine would effectively serve as a form of advance trial of substantive portions of the case, or indeed as a substitute for the trial itself. Insofar as these strategies and purposes underlie the parties' motions, the Court deems them impermissible[.]"). The motion is an effort to avoid the time limits for making pleading motions or motions for summary judgment, which has long since passed.

The motion in limine is therefore **denied**. The Clerk is directed to close Docket Number 399.

SO ORDERED.

**Dated: New York, New York
October 3, 2019**



**John G. Koeltl
United States District Judge**